

REMARKS

By the present Amendment, claims 1-8 are cancelled and claims 9-26 are added. This leaves claims 9-26 pending in the application, with claims 9 and 12 being independent.

Substitute Specification

The specification is revised to eliminate grammatical and idiomatic errors in the originally presented specification. The number and nature of the changes made in the specification would render it difficult to consider the case and to arrange the papers for printing or copying. Thus, the substitute specification will facilitate processing of the application. The substitute specification includes no “new matter”. Pursuant to M.P.E.P. § 608.01(q), voluntarily filed, substitute specifications under these circumstances should normally be accepted. A marked-up copy of the original specification is appended hereto.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Original claims 1-7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. By the present Amendment, the originally filed claims have been rewritten to avoid the language alleged to be indefinite in the Office Action. All language of the presently pending claims is now believed to be clear and definite.

Thus, the pending claims are definite and comply with 35 U.S.C. § 112.

Rejection Under 35 U.S.C. §102 and §103

New claim 9 covers an aircraft passenger seat comprising a seat part, a backrest extending from the seat part, a tray table 3 and a pocket receptacle 15. The backrest has a support structure 11 and a backrest cushioning 13 on the support structure. The tray table is coupled to the support

structure and is foldable between a stored position on a back of the support structure and a use position away from the back of the support structure. The pocket receptacle is on the back of the support structure for holding utensils, printed materials and travel accessories, and is a cavity extending in the support structure at least partially between the tray table in its stored position and the backrest cushioning. A main opening is provided for the pocket receptacle for introducing objects into the cavity and is open and exposed when the tray table is in its stored position.

By forming the aircraft passenger seat in this manner, a passenger has permanent and constant access to the cavity independent of the position of the tray table. Particularly, access to the contents of the pocket receptacle can be obtained through the main opening even when the tray table is in its up or stored position. None of the other cited patents or applications disclose or render obvious this feature.

Claims 1-3 stand rejected under 35 U.S.C. §102 as being anticipated over U.S. Patent No. 4,836,602 to Remedios. The Remedios patent is cited for a seat having a backrest with a support structure and cushioning, with a tray table on its back that can be folded between storage and use positions, and with a pocket receptacle 25 for holding various items. A receptacle 14 is allegedly formed by a cavity extending in the support structure of the backrest at least partially between the folded up table and the backrest cushioning. Relative to claim 2, the cavity allegedly extends from adjacent the top edge of the support structure to the support element 16 of the support structure, with the support element forming the bottom of receptacle 14 and being located within the surface area of the folded up table. Relative to claim 3, a cavity forming the main opening of

receptacle 14 allegedly borders on the top edge of the support structure 15 and is open toward the back.

Claims 4 and 6 stand rejected under 35 U.S.C. §103 as being unpatentable over the Remedios patent in view of WO 02/32268 to Donlan. The Remedios patent is cited relative to a latch means 24. The Donlan application is cited for the use of a plate that passes between two side edges of the support. In support of the rejection, it is alleged that it would obvious to provide the Donlan plate on the back of the Remedios seat.

Claim 5 stands rejected under 35 U.S.C. §103 as being unpatentable over Remedios patent in view of U.S. Patent No. 5,507,556 to Dixon. The Dixon patent is cited for the use of a display screen 20 that is allegedly obvious to add to the Remedios seat.

Claims 7-8 stand rejected under 35 U.S.C. §103 as being unpatentable over the Remedios patent in view of U.S. Patent No. 345,710 to Mason. The Mason patent is cited for the use of a slot, bottom side opening of a receptacle where the receptacle is in the back side of the seat and has a lip b projecting into the inside of the width of the bottom side opening. In support of the rejection, it is contended that it would obvious to add the Mason opening and lip to the Remedios seat.

The Donlan application discloses a stadium seat having seat sign and sales systems. The back of the seat has a receptacle 24 for removal items, such as brochures or programs. Such receptacle is not used in combination with a tray table movable on the back of seat frame 21 such that the tray table in its stored position does not obstruct access to the main opening of receptacle 24, as provided by the claim 9 structure.

The Mason patent discloses a folding chair having a book rack F on the chair back between the vertical slats a and a horizontal member extending between the chair legs B. A horizontal slat b provides a bottom for the receptacle. Similar to the Donlan seat, the Mason chair does not disclose a movable tray table attached to the chair back oriented relative to the receptacle and its main opening such that the main opening remains open and exposed when the tray table is in its stored position, as recited in claim 9.

The Remedios patent discloses an aircraft passenger seat having a back portion 12 with a recessed opening 14 receiving a plastic container 17 for holding drinks and food packages. A tray table 20 is movable by parallel arms between a use position illustrated in Fig. 1 and a stored position completely covering recessed opening 14 and plastic container 17 in its stored position. The obstruction of the cavity and of access to the contents of container 17 by the tray table 20 in its stored position is indicated by the positioning of latch 24 above and outside of the cavity such that the tray table must cover the cavity and container when engaged and secured by latch 24.

The Dixon patent is merely cited relative to the provision of a display screen and is not cited in connection with the use of a pocket receptacle, particularly in combination with and oriented relative to a tray table, as claimed.

Since none of the Remedios patent, the Donlan application and the Mason patent, nor any of the other cited patents, disclose or render obvious this specific combination and relative orientation of the tray table, the pocket receptacle and the main opening of the pocket receptacle, claim 9 is patentably distinguishable over the cited patents and applications.

In addition to the structural differences discussed above, the proposed combinations of patent documents set forth in the rejections in the Office Action are untenable in view of the non-

analogous nature of the subject matter of those patent documents. The Donlan application relates to stadium auditorium seating, while the Remedios patent relates to an aircraft passenger seat. One of ordinary skill in the art would not apply the teachings relating to stadium or auditorium seating to the Remedios aircraft passenger seat. The purposes and uses of such seats and the problems associated therewith are so different that one of ordinary skill in the art would not rely on the teachings of one to modify the other.

The unobviousness of the proposed combination is further supported by the comfort and layout of these two types of seats being incompatible with each other. Such differences are particularly significant relative to the use of foldable tray tables being usual in the field of aircraft passenger seats, but not shown to be known for use in connection with stadium auditorium seating. Thus, one of ordinary skill in the art would not apply the Donlan application structure to that of the Remedios aircraft passenger seat, particularly relative to the positioning of the tray table in its stored position, as claimed. At best, one of ordinary skill in the art would only use the Donlan receptacle 24 in the lower portion of cavity 24 below container 17 so as to be completely obstructed and covered by the tray table when in its stored position and secured by latch 24.

The same relative differences between the Remedios patent and the Mason patent also exist demonstrating the unobviousness of the proposed combination thereof. Even if the transverse piece forming the book rack F of the Mason patent is added to the Remedios patent, it would at best be located in the cavity 14 below container 17 in a manner that any rack formed thereby would be obstructed and closed by the tray table in its stored position secured by latch 24, contrary to the specific features of the claims recited in claims 9 and 22.

Claims 10-21 being dependent upon claim 9, are also allowable for the above reasons.

Moreover, these dependent claims recite additional features further distinguishing them over the cited patents and applications.

Claim 10 is further distinguished by the cavity extending from an area adjacent the support structure top edge to a structure element forming the receptacle bottom and located within a surface area of the tray table in the stored position. No such structural arrangement is disclosed or rendered obvious by the cited patent documents.

Claim 11 is further distinguished by the main opening being adjacent the top edge of the support structure and opening in a backward direction away from the backrest cushioning. This further maintains the access to the pocket receptacle in the stored position of the tray table.

Claim 12 is further distinguished by the plate forming the rear wall of the receptacle, particularly within the overall claimed combination.

Claim 13 is further distinguished by the display screen integrated therein, within the overall claimed combination.

Claim 14 is further distinguished by the latch for the tray table being supported on the plate defining the receptacle. Only the Donlan application and Mason patent have such a plate. However neither discloses a tray table or a latch therefore.

Claim 15 is further distinguished by the bottom opening extending between the structure element and the plate, within the overall claimed combination.

Claim 16 is further distinguished by a lip on the support element and projecting into the bottom opening. No such lip appears to be disclosed in the Mason patent since the horizontal slat b appears to be flat.

Claim 17 is further distinguished by the tray table having its face facing the cavity in the stored position, while the main opening allows removal of items stored in that position. Relative to this feature, only the Remedios patent appears pertinent, and its tray table prevents removal of items from the container 17 in cavity 14 when the tray table is in its stored position secured by latch 24.

Claim 18 is further distinguished by the relative positioning of wall piece 23 relative to the rear wall of the support structure bearing the backrest cushioning, with the tray table having an upper edge below the upper edge of the wall piece in a vertical direction when the tray table is in its stored position. These relative orientations ensure unobstructed access to the receptacle contents through the main opening even when the tray table is in its stored position. Such arrangement is not disclosed or rendered obvious by any of the cited patents or applications.

Claim 19 is further distinguished by the by the latch being on the rear side of the wall piece. The Remedios latch 24 for its tray table 20 is spaced above the cavity 14 and the container 17, and thus, is not on the rear side of a wall piece, as claimed.

Claim 20 is further distinguished by the latch being mounted below the main opening in a direction parallel to the main direction of the seat back in its upright position. In contrast, the Remedios latch is located above the main opening providing access to the contents in container 17.

Claim 21 is further distinguished by the upper edge of the wall piece defining the main opening and the latch for the tray table being mounted below that upper edge. Such positioning of the latch ensures that the tray table will not obscure the main opening for access to the pocket receptacle contents when the tray table is in its stored position.

Claim 22 covers an aircraft passenger seat comprising a seat part having a forward edge and a rear edge, and a backrest extending from the seat part adjacent its rear edge, with the backrest having a front surface facing the seat part and a rear surface remote from and facing opposite from the front surface. A support structure 11 on the rear surface defines a cavity on the rear surface and has laterally spaced side portions. A plate 23 extends between the side portions and is spaced from the backrest rear surface to define a receptacle therebetween. The plate has a top edge defining a main opening for inserting items into and retrieving items from the receptacle, and has a bottom edge spaced from the top edge. A structure element 21 extends between the support structure side portion, is spaced from the top edge, is adjacent the bottom edge, and forms a bottom of the receptacle. A tray table 3 is mounted on the rear surface for movement between a stored position overlying the plate and a use position spaced from the backrest. The tray table has an upper edge in its stored position located below the top edge of the plate maintaining the main opening unobstructed in its stored position.

For the reasons advanced above, such structure is not anticipated or rendered obvious by the cited patent documents.

Claims 23-26, being dependent upon claim 22, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patent documents.

Claim 23 is further distinguished by the latch for securing the tray table being mounted on the plate between its top and bottom edges. The Remedios latch 24 is not so mounted on a plate.

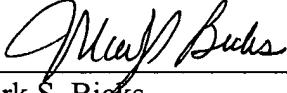
Claim 24 is further distinguished by the latch being adjacent the plate top edge. Again, no such relationship is disclosed or rendered obvious by the Remedios patent.

Claim 25 is further distinguished by the tray table being pivotally coupled to the support structure, within the overall claimed combination.

Claim 26 is further distinguished by the plate having a bottom opening adjacent its bottom edge, within the overall claimed combination.

In view of the foregoing, claims 9-26 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



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